

JOHN RANDOLPH CLAY.

[To accompany Joint Resolution No. 5.]

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MARCH 29, 1860.

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Mr. ROYCE, from the Committee on Foreign Affairs, made the following

REPORT.

*The Committee on Foreign Affairs, to whom was referred the joint resolution authorizing the proper accounting officers of the treasury to revise and adjust the account of John Randolph Clay, minister to Peru, report:*

That it appears that Mr. Clay was appointed *chargé d'affaires* of the United States to Peru on the 17th day of August, 1847, and served in that capacity until the 1st of July, 1853, at which time he was appointed envoy extraordinary and minister plenipotentiary to the same court, and has continued in the discharge of the duties of said last-mentioned office ever since.

Under the acts of Congress creating the offices of foreign missions, and making appropriations to pay the salaries of foreign ministers, no place is designated where their salaries are to be paid.

But under long established usage, sustained by the opinion of the Attorney General, (Mr. Mason,) in the case of Henry A. Wise, United States minister to Brazil, foreign ministers are entitled to receive their salaries at the place to which they are accredited.

Instead of sending the money to pay their salaries, they have been directed to draw on the treasury or certain bankers in London; and where they have suffered a loss in the sale of such drafts, the Treasury Department, upon satisfactory proof being made, have, since 1846, (certainly) paid the difference between the amount of the proceeds of such drafts and the salary due, as "loss in exchange."

Mr. Clay has drawn on the treasury and the London bankers for his salary, as directed by the government. In presenting his accounts he has never charged or been allowed anything as loss in exchange.

Sometime in the year 1859 Mr. Clay presented an account to the Treasury Department for amounts which he claimed to have allowed as loss in exchange.

The department declined to examine and adjust his account upon the ground that his case came within a rule long since adopted by the department, "that settlements of accounts of individuals against the United States, are not to be opened for readjustment at the instance

of such individuals unless new and distinct facts are shown by legal and sufficient evidence to justify such opening and resettlement.

Your committee do not think that the neglect of Mr. Clay to charge the amounts claimed as loss in exchange in the accounts which he was required to render, ought to be construed as an abandonment of any such claim, or that he can fairly be charged with knowledge of the fact that his claim would be considered by the department as coming within the rule above stated.

Without expressing any opinion upon the merits of his claim, your committee express the belief that it should be examined and adjusted, and therefore recommend the adoption of the resolution.